

LUC-444/Clark 12-11

1

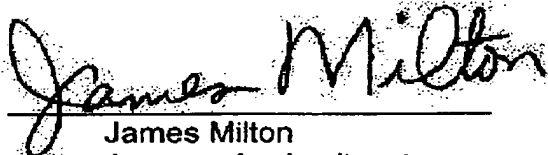
**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE****RECEIVED
CENTRAL FAX CENTER****JAN 24 2011****Patent Application**

Inventor(s): Edward A. Clark et al.
Case No.: LUC-444/Clark 12-11
Serial No.: 10/736,408
Filing Date: 12/15/2003
Title: PROVIDING OF SERVICE(S) BY A SERVICE CONTROL COMPONENT
TO TELEPHONY DEVICE(S) ON A CALL THROUGH EMPLOYMENT OF
DATA STREAM(S) ASSOCIATED WITH THE CALL

Examiner Rasha S. Al Aubaldi
Art Unit: 2614

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being sent via facsimile transmission to Commissioner for Patents, Mail Stop Amendment, Group Art Unit 2614, Attention: Examiner Rasha S. Al Aubaldi, P.O. Box 1450, Alexandria, VA 22313-1450, at fax number (571) 273-8300, on January 24, 2011.



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Date of Signature: January 24, 2011

Commissioner for Patents
Mail Stop Amendment
Group Art Unit 2614
Attention: Examiner Rasha S. Al Aubaldi
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Fax Number (571) 273-8300

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

Applicant requests review of the final rejection of this application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. The review is requested for the reasons stated on the attached sheets.

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JAN 24 2011

LUC-444/Clark 12-11

2

REMARKS

Claims 1, 3-8, 10-23 and 25-30 are pending in the application. Claims 1, 3-8, 10-23 and 25-29 were rejected under 35 U.S.C. § 103 (a).

Rejection Under 35 U.S.C. § 103 (a)

Claims 1, 3-8, 10-23 and 25-30 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over U. S. Patent Application Number 2003/0228011 issued to Gibson in view of U. S. Patent Number 6,625,141 Issued to Glitho.

Applicants respectfully traverse this ground of rejection for the following reasons.

First, applicants' claim 1 recites,

"a service control component that provides to one or more telephony devices of a plurality of telephony devices on a call, one or more services associated with one or more numbers associated with the one or more telephony devices on the call; and

one or more application server components which cooperate with the service control component through employment of a Session Initiation Protocol to establish one or more data streams between the service control component and the one or more application server components to provide the one or more services."

As stated in the Final Office Action, Gibson does not teach or suggest "a Session Initiation Protocol to establish one or more data streams between the service control component and the one or more application server components", because Gibson discloses SR-3511 protocol 46 which directly connects the SCP 23 and the Intelligent Peripheral 40. See FIG. 18 and paragraph 0179.

The Examiner proposes to modify Gibson by substituting Gibson's SR-3511 protocol with the Session Initiation Protocol disclosed in Glitho. However, SR-3511 and the modified version of Session Initiation Protocol are not equivalent. This is because SR-3511 is an application level Transaction Capabilities Application Part (TCAP) interface over a TCP/IP transport. The SR-3511 interface allows the SCP to interact with the Intelligent Peripheral by directly providing information to guide a service node (SN)/Intelligent Peripheral's (IP) actions and gathers information from the SN/IP, e.g., database look-ups. By contrast, Glitho discloses that SIP messaging formats are extended so that SIP servers are provided with the capability to access the service logic

LUC-444/Clark 12-11

3

stored in IN-based nodes (i.e., SCPs). See FIG. 2 and column 7, lines 19-22. In other words, Glitho's modified SIP server acts as a switch to access a SCP for IN calls. See column 7, lines 45-65. When Glitho's SCP acts as a client, the SCP requests call monitoring and event notification actions from the SSP. See column 13, lines 10-26. Glitho does not disclose that the IN-based nodes (i.e., SCPs) request database look-ups as done by SR-3511. Thus, Glitho's modified version of SIP and SR-3511 are not equivalent or interchangeable.

Second, the proposed combination of Glitho with Gibson does not reflect the specific limitations recited in applicants' claim 1 since the resultant system would not be a properly functioning system. Specifically, Gibson's technique uses an Advanced Intelligent Network (AIN) based system, as stated in paragraph 0090. As known by those skilled in the art, AIN systems use common channel signaling based on signaling system 7 protocol for call set-up. Consequently, Gibson's technique uses the signaling system 7 protocol for communications between the switches, e.g., SSPs, and the SCP shown in FIGs. 1-2, 15-16, 18 and 25. Also, Gibson discloses SR-3511 protocol to directly connect SCP 23 and the Intelligent Peripheral 40.

By contrast, Glitho's technique does not use signaling system 7 protocol for communications between the switches, e.g., SSPs, and SCP or SR-3511 to directly connect the SCP and the Intelligent Peripheral, because Glitho discloses that SIP messaging formats are extended so that SIP servers are provided with the capability to access the service logic stored in IN-based nodes, i.e., SCPs, as stated in column 7, lines 19-22. In fact, Glitho teaches away from the proposed combination because Glitho discloses that the two protocols, SIP and intelligent network (i.e., SS7), follow different approaches and cannot be easily combined harmoniously, as stated in column 2, lines 18-33. Also, Glitho discloses in column 2, lines 22-33,

"SIP is a lightweight, text-based protocol designed for Internet applications where space efficiency is of little concern. On the other hand, IN protocols are binary (i.e., coded in the Abstract Syntax Notation or ASN) and optimized for providing a large variety of VAS with parameters provided in rather complicated data structures. Using IN protocols to remotely access service logic in the context of SIP-based networks, accordingly, implies imposing additional

LUC-444/Clark 12-11

4

functionality on IP telephony entities and introducing an extra category of "heavyweight" protocols in the network environment."

In other words, Glitho offers a technical basis for not combining SIP and the SS7 protocols required in Gibson. Thus, the system resulting from the proposed combination would not be a properly functioning system based on Gibson.

Third, the Final Office Action suggests that there is a motivation to combine Gibson with Glitho —namely, to enhance the systems performance of processing and providing services to users and provide diversity of utilizing different protocols when needed. However, applicants respectfully submit that the teachings in Gibson and Glitho provide no basis to conclude that a person of ordinary skill in the art would use Glitho's techniques to facilitate Gibson's arrangement to arrive at the subject matter of applicants' claim 1, so the combination is improper.

Specifically, the problems that the references address are so different that the teachings provide no motivation for one of ordinary skill to combine the references.

More specifically, Gibson addresses the need for a system that allows a customer connected to a communication network to customize call forwarding services with near real-time access to service data via packet switched data networks and convention IVR systems. See paragraph 0110. In Gibson, the problem is addressed by an AIN network that has a web server that enables a communications interface between a database and a graphical user interface of a subscriber.

By contrast, it appears that the problem being addressed by Glitho is the need to provide a service provisioning solution which provides remote service access capability within a SIP-based telecommunications network. In Glitho, the problem is addressed by a SIPext SSP server, a trigger server and a service node that is operable with Intelligent Network Application Part.

Also, the disclosed services are so different that the teachings provide no motivation for the person of ordinary skill to combine the references.

Gibson discloses voice-based call forwarding services. See paragraph 0090. By contrast, Glitho discloses multimedia conferences, multimedia distribution, distance learning, and Internet Telephony. See column 4, lines 25-30.

LUC-444/Clark 12-11

5

Furthermore, the protocols used to connect servers to SCPs are so different that the teachings provide no motivation for one of ordinary skill to combine the references.

Gibson discloses SR-3511 to directly connect the SCP and the Intelligent Peripheral. As stated hereinabove, SR-3511 provides information to guide a SN/IP's actions and gathers information from the SN/IP, e.g., database look-ups.

By contrast, Glitho discloses SIP messaging formats extended so that SIP servers are provided with the capability to access the service logic stored in IN-based nodes, i.e., SCPs, as stated in column 7, lines 15-30. SIP is used to create, modify (change addresses or ports, invite more participants, and add or delete media streams) and terminate sessions with one or more participants and is only involved in the signaling portion of a communication session.

Accordingly, one of ordinary skill in the art would not be motivated to replace a protocol that guides a SN/IP's actions and gathers information from the SN/IP with a protocol used only in the signaling portion of a communications session.

Furthermore, Gibson makes no mention of multimedia services and a SiPext SSP server, nor is there a teaching in Gibson to suggest that there would be an improvement in Gibson's technique with multimedia services and a SiPext SSP server. Since the teachings of Gibson adequately address the need for a system that allows a customer connected to a communication network to customize call forwarding services with near real-time access to service data via packet switched data networks and convention IVR systems, there is no motivation to combine Gibson with Glitho's teachings. Given that Gibson's technique does not suffer from the problems that Glitho addresses, and Gibson already has a protocol to access a SCP from a server, one of ordinary skill in the art would not try to improve Gibson with Glitho's teachings.

Thus, one of ordinary skill in the art would not be motivated to modify Gibson with Glitho's teachings. Consequently, applicants respectfully submit that the Examiner is relying on the use of impermissible hindsight in an attempt to reconstruct applicants' teachings by combining Gibson with Glitho. Accordingly, applicants submit that the combination and resultant rejection are improper.

Accordingly, since a person skilled in the art would not look to combine the references as suggested and since the combination would not result in the invention as

LUC-444/Clark 12-11

6

claimed, applicants submit that the combination and resultant rejection are improper, and therefore claim 1 is allowable over the proposed combination. Since claims 3-8, 10-22 and 27-30 depend from allowable claim 1, these claims are also allowable.

Independent claims 23 and 26 each have a limitation similar to that of independent claim 1, which, as shown above, is not taught by the proposed combination. For example, claim 23 recites "establishing communications between one or more service control components and one or more application server components through a Session Initiation Protocol to establish one or more data streams based on the information", and claim 26 recites "means for providing, by one or more service control components communicating with one or more application server components, one or more services to one or more telephony devices on a call through employment of a Session Initiation Protocol to establish one or more data streams between the one or more service control components and the one or more application server components". The proposed combination does not teach or suggest these limitations for the above-mentioned reasons. Therefore, claims 23 and 26 are likewise allowable. Since claim 25 depends from claim 23, this dependent claim is also allowable.

Conclusion

In view of the above remarks, withdrawal of the rejections and/or reversal of the rejections of all claims pending is respectfully requested.

Respectfully submitted,



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